

EXTENSIONS OF REMARKS

A BILL TO AUTHORIZE THE PAYMENT OF A FEDERAL COURT SETTLEMENT TO THE MENOMINEE INDIAN TRIBE OF WISCONSIN

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1999

Mr. GREEN of Wisconsin. Mr. Speaker, today I have introduced before this House a bill I hope will finally bring an end to a decades-long legal struggle and also provide much-needed financial assistance to one of the most impoverished areas of my Congressional District and, indeed, the entire state of Wisconsin.

Specifically, the bill I've introduced authorizes the U.S. government to finally make good on a \$32 million court settlement with the Menominee Indian Tribe in my district. The history of this settlement can be traced back to 1954, when the federal government terminated the tribe's federal trust status and the Bureau of Indian Affairs grossly mismanaged many of the tribe's assets.

In 1967, the tribe filed a lawsuit in federal court challenging this termination and seeking damages. After decades of litigation, in 1993 Congress passed a congressional reference directing the U.S. Claims Court to determine what damages, if any, were owed to the tribe.

In August of last year, following three decades of lengthy court trials and appeals, the tribe finally settled its claim against the federal government for \$32 million.

As the members of this House are aware, Congress must authorize the payment of this court settlement before any U.S. funds can be released. The court has done its job and the tribe has waited long enough. Now it is time for Congress to do its job and agree to this settlement.

Mr. Speaker, I'd like to briefly spell out four key reasons why this proposal is worthy of support:

First, I believe it is our responsibility to make good on public commitments that have been made by representatives of our government in federal court proceedings. In this case, both sides negotiated this settlement in good faith, and it was approved by the court. Now it is our duty to finalize the court actions in this matter and award the settlement as agreed to.

Second, I believe this legal battle has gone on long enough, and the taxpayers should be relieved of the ongoing cost burden of this litigation. The first lawsuit dealing with this matter was filed in 1967—more than 31 years ago. After numerous trials and appeals over the last three decades, we have finally reached the light at the end of the tunnel. It is time for Congress to close the book on this matter once and for all and approve the release of these funds.

Third, the Menominee Indian Tribe needs and deserves this settlement. The Menominee are one of the most economically troubled Indian nations in America. This is due in part to the Menominee Termination Act and the Bureau of Indian Affairs' mismanagement of Menominee tribal resources from 1961 to 1973.

Finally, this settlement will provide a boost to the local economies of northeastern Wisconsin—a part of my state in need of help due to the recent farm crisis and other economic factors. This settlement will provide at least a small amount of relief to communities throughout this area.

One final note. Today, Senator KOHL has introduced nearly identical legislation in the Senate. I am pleased to be working with him and I applaud his years of hard work in trying to improve the economic situation on the Menominee Reservation.

I would also like to thank Menominee Chairman Apesanahkwat for his willingness to work with me to ensure these funds, if approved, won't be used to take any land off the tax rolls. These dollars will be used to improve education, health care and economic opportunities for the tribe.

I encourage my colleagues to join me in an effort to bring this matter to a speedy and successful vote on the floor of this House. For the sake of our country's credibility, for people of northeastern Wisconsin, and for the Menominee Nation, now is the time for this matter to be closed.

INTRODUCTION OF THE FEDERAL EMPLOYEES' OVERTIME PAY LIMITATION AMENDMENTS ACT OF 1999

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1999

Mr. CUMMINGS. Mr. Speaker, along with my colleagues, Representatives DAVIS and MORELLA, I am pleased to introduce the Federal Employees' Overtime Pay Limitation Amendments Act of 1999.

The overtime cap for federal managers and supervisors has not changed for thirty years. Under current law, their overtime pay is limited to that given to a General Schedule level 10 step 1 employee. As the result, managers and supervisors, the majority of whom rank above that level, earn less on overtime than they do for work performed during the regular work week.

When this issue was raised at a civil service reform hearing last year, the Director of the Office of Personnel Management (OPM) testified that the cap was unfair and warranted looking into. My response was, "When are you going to look into it." Like the rest of us, federal managers and supervisors only have their

kids and families for a certain amount of time. They deserve to be fairly compensated so that they can adequately provide for their loved ones. They want to send their kids to college, they want to give them violin lessons, they want to move into a new house, and if we wait 10 to 15 years, then they have missed out on a whole lot of life.

Representatives DAVIS and MORELLA, and I kept the pressure on OPM until it drafted overtime legislation to address this issue. It is this legislation that I am pleased to introduce today. The legislation would change existing law so that no federal employee would receive less than his or her hourly rate of pay for overtime work.

Please join me by cosponsoring this legislation for federal managers and supervisors and their families.

SAVE THE SOCIAL SECURITY SURPLUS—COSPONSOR H.J. RES. 53, THE BALANCED BUDGET AMENDMENT THAT PROTECTS THE TRUST FUND

HON. ERNEST J. ISTOOK, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1999

Mr. ISTOOK. Mr. Speaker, I rise today to urge my colleagues to cosponsor H.J. Res. 53, the Balanced Budget Amendment that protects the Social Security Trust Fund.

Many years ago, the Congress made a promise. We promised to take a portion of every American's paycheck and keep it in a special trust fund. From that trust fund, the government would send a check to every American over the age of 65 so that no American would have to worry about growing old without someone to care for them. We called that promise Social Security.

We should keep our promise. Most of us now realize Congress has used the trust fund as a slush fund to finance other programs. Taking Social Security "off-budget" is meaningless. Congress did it in 1983, 1985, and 1990, and then later quietly ignored the "off-budget" rules. An ordinary law can't restrain future Congresses. An ordinary law can be overturned whenever "convenient."

There is only one way to make certain future Congresses devote that money to Social Security—to take it away from them so that they can't spend it on anything else. We must pass an amendment to the Constitution which would guarantee that all Congresses, present and future, will protect Social Security.

The only protection is to require a balanced budget that does not use the Social Security surplus. To do that, we must add to the proposed Balanced Budget Amendment the requirement that a surplus in Social Security cannot be counted as revenue.

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